

Applicant: **Makoto SAITO**
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REMARKS

This Submission is responsive to the Final Office Action dated January 11, 2001 in the prosecution of the prior application.

Restriction Requirement:

Claims 96, 98, 100, 102, 106, 108, 112, 114, 116, 118, 122, 124, 128, 130, 132, 134, 138, and 140 remain withdrawn from consideration as being drawn to a non-elected species.

Rejections Under 35 U.S.C. §§102 and 103:

Claims 95, 97, 99, 101, 103, 104, 127, 129, 131, 133, 135, and 136 were rejected under 35 U.S.C. §102 over **Dolphin** (U.S. Patent No. 5,457,746). Claims 105, 107, 109, 110, 137, 139, 141, and 142 were rejected under 35 U.S.C. §103 over **Dolphin** in view of **Daniele** (U.S. Patent No. 5,444,779). Claims 111, 113, 115, 117, 119, and 120 were rejected under 35 U.S.C. §103 over **Dolphin** and "what is well known in the art." Claims 121, 123, 125, and 126 were rejected under 35 U.S.C. §103 (as applied to claim 115), and further in view of **Daniele**. Claims 143-152 were rejected under 35 U.S.C. §103 over **Dolphin** and "what is well known in the art."

Dolphin

Independent claims 95 and 111 recite a utilization permit key which permits at least one of displaying, editing, storing, copying, and transferring. The Applicant submits that **Dolphin** does not teach or suggest the claimed utilization permit key. Moreover, **Dolphin** does not teach or

suggest a utilization permit key that includes a crypt key (as recited in claims 95 and 111). For at least these reasons, **Dolphin** does not anticipate the present claimed invention.

Lack of Motivation to Combine Dolphin and Daniele

The rejections set forth in the Final Office Action dated January 11, 2001 relying upon the combination of **Dolphin** and **Daniele** should be withdrawn for lack of motivation to combine in the matter claimed. There are several reasons for the lack of motivation to combine **Dolphin** and **Daniele**, as described below.

First, the “glyph” described in **Daniele** is associated with watermarking techniques. **Daniele** is not directed to encryption technologies. On the other hand, **Dolphin** relates to encryption technologies, but is not directed to watermarking. It is submitted that there is no motivation to combine encryption and watermarking technologies to achieve the present claimed invention. Although both encryption and watermarking may be used to protect the copyrights of digital data, each specific technology has been used conventionally in an independent manner. There is no prior art teaching or suggesting to use watermarking technology in combination with encryption technology. No prior art watermarking disclosures teach or suggest modification with encryption technologies. No prior art encryption technologies teach or suggest modifications with watermarking technologies. There is no conventional motivation to combine encryption and watermarking technologies to achieve the present claimed invention. For at least this reasons, the rejections based on the combination of **Daniele** and **Dolphin** should be withdrawn.

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In addition, even though **Daniele** may employ digital processing, the important question is why would one skilled in the art want to combine the teachings of the addition of audit information or text data in the form of visual glyphs to the digital processing for access control as taught by **Dolphin** in order to achieve the present claimed invention? Mere appreciation of copyright protection (the sole reason for the Examiner's basis to combine them) is not enough. The logic is that visual glyphs of **Daniele** are not necessary in the purely digital processing of **Dolphin**. As defined in **Daniele**, the visual glyphs are two-dimensional symbols printed on a document (see, e.g., col. 6, lines 54-57). A visual, two-dimensional symbol, printed on a document is not electronic digital data that can be employed in **Dolphin**. As explained in the previous Amendment, it is technologically unreasonable to add a visual printed element according to **Daniele** into the digital processing of **Dolphin** to achieve the copyright management of digital data of the present invention (claims 105, 107, 109, 110, 137, 139, 141, and 142).

The fact that **Daniele** is directed to the art of digital copying machines, whereas **Dolphin** pertains to the art of digital processing, also raises the question for why the skilled artisan would want to apply the copyright protection mechanisms in a reprographic machines to the access control teachings of **Dolphin**. A fundamental reason for **Daniele** to require *visual* glyphs on printed documents is that its entire disclosure is directed to "reprographic devices" (Xerox machines) for reproduction of documents. **Dolphin** is not concerned with hardcopy documents or reprographic devices. Visual symbols on printed documents are irrelevant to **Dolphin**'s disclosures. Again, the logic is that one skilled in the art would not make the combination. The point is that there is no motivation to do so.

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Furthermore, as argued in the previous Amendment, there is no teaching or suggestion as to how **Dolphin** could be modified to incorporate the teachings of **Daniele** for adding "visual glyphs" into visual documents and still maintain the proper functioning of the access control according to **Dolphin**. The suggested combination between **Dolphin** and **Daniele** would require a substantial modification and redesign of the elements shown in either **Dolphin** or **Daniele**, as well as a change in the basic principle under which **Dolphin** and **Daniele** were each designed to operate. Moreover, there is no motivation to combine the "visual glyph" teachings of **Daniele** with the access control techniques of **Dolphin** to achieve the features recited in the manner claimed in the present invention (claims 105, 107, 109, 110, 137, 139, 141, and 142).

Combination of Dolphin and "What is Well Known in the Art"

Several claims were rejected over the combination of **Dolphin** and "what is well known in the art." References were not cited to support the allegation of "what is well known in the art." The Examiner is respectfully requested to either withdraw the rejections or, pursuant to 37 C.F.R. § 1.104(d)(2), submit an Affidavit setting forth the facts within the Examiner's personal knowledge that forms the basis for the rejections relying on "what is well known in the art" and the motivation to modify **Dolphin** in the manner claimed.

For instance, at Item 28 on page 7 of the Final Office Action, the Examiner alleged that "one skilled in the art would recognize that such data must not be allowed to be copied, transferred, or stored in an un-encrypted form, and thus would have encrypted decrypted data before copying, storage or transfer took place." This constitutes hindsight. No prior art was cited to support the

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claimed mandatory re-encryption before copying, storage, or transfer of decrypted data. As indicated in the Background section of the present specification, there is no prior art for copyright management and control of secondary usage by a user, such as through copying, storage, and transfer. Once originally copyrighted data has been downloaded and decrypted, the prior art does not teach or suggest further copyright control and management to maintain copyrights over subsequent usage. As noted above, the Examiner is respectfully requested to cite a reference in support of "what is well known in the art" or withdraw the rejections.

The New Claims:

New claims 153 through 181 were added by this Submission. New claims 156-181 patentably distinguish over the prior art for at least the reason that independent claims 156 and 169 require a "one to one" relationship between encryption and decryption. In other words, content encrypted with one specific utilization permit key can only be symmetrically decrypted with the same specific utilization permit key. For example, data encrypted with the display permit key cannot be decrypted with a storage permit key, an edit permit key, a transfer edit key, etc. Data encrypted with the transfer permit key cannot be decrypted with a display permit key, a storage permit key, an edit permit key, etc. Of course, in the case of the edit permit key, there may also be display of the data in order to edit it. Nevertheless, even in the case of the edit permit key, other types of uses, such as storage, copy, and transfer, are prevented. Independent claims 156 and 169 specifically recite each of the utilization permit keys as "permitting only the corresponding at least one of the different types of uses of the digital data." This one to one correspondence prevents a hacker from finding a

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key and using it for all different types of uses. For at least these reasons, the new claims patentably distinguish over the cited prior art of record.

Summary:

It is submitted that nothing in the prior art, either alone or combination, teaches or suggests all the features of the present claimed invention, for any one of the reasons discussed above. Thus, the claims are all in condition for allowance. Reconsideration of the claims and an early Notice of Allowance is earnestly solicited.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney, at the telephone number indicated below, to arrange for an interview to expedite the disposition of this case.

Attached herewith is a paper entitled "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**" which highlights the amendments submitted herein.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees which may be due with respect to this paper, may be charged to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosures: VERSION WITH MARKINGS TO SHOW CHANGES MADE
Amendment Transmittal
Petition for Extension of Time

H:\HOME\JPK\Mitsubishi\990812\FILINGS\990812 Submission

VERSION WITH MARKINGS TO SHOW CHANGES MADE

95. (Four Times Amended) A method for controlling copyrights of digital data comprising ~~the steps of~~:

supplying encrypted digital data from a database to a user;

in response to a request by said user to a key control center, supplying a utilization permit key including a crypt key from the key control center to said user, said utilization permit key permitting at least one of displaying, editing, storing, copying and transferring;

decrypting said encrypted digital data into decrypted digital data using ~~the said~~ crypt key and ~~utilizing said decrypted digital data by said user, wherein said steps are managed respectively by a copyright control program performing the at least one of displaying, editing, storing, copying and transferring permitted by said utilization permit key.~~

111. (Four Times Amended) A method for controlling copyrights of digital data comprising ~~the steps of~~:

supplying encrypted digital data from a database to a user;

in response to a request by said user to a key control center, supplying a utilization permit key including a crypt key from the key control center to said user, said utilization permit key permitting at least one of displaying, editing, storing, copying and transferring;

decrypting said encrypted digital data into decrypted digital data using ~~the said~~ crypt key and displaying and/or editing said decrypted digital data by said user;

encrypting said decrypted digital data into again encrypted digital data ~~using the~~ crypt key by said user; and

storing, copying and/or transferring the again encrypted digital data, ~~wherein said steps are managed respectively by a copyright control program.~~

127. (Four Times Amended) A method for controlling copyrights of digital data comprising ~~the steps of~~:

supplying encrypted digital data from a database to a user;

~~in response to a request by said user to a key control center, supplying a utilization permit key including a crypt key from said key control center to said user, said utilization permit key permitting at least one of displaying, editing, storing, copying and transferring;~~

decrypting said encrypted digital data into decrypted digital data using said crypt key;

~~displaying said decrypted digital data when said user requests to display said digital data as permitted by said utilization permit key;~~

~~editing said decrypted digital data when said user requests to edit said digital data as permitted by said utilization permit key;~~

~~encrypting said decrypted data again and storing said digital data when said user requests to store said digital data as permitted by said utilization permit key;~~

~~encrypting said decrypted data again and copying said digital data when said user requests to copy said digital data as permitted by said utilization permit key; and~~

~~encrypting said decrypted data again and transferring said digital data when said user requests to transfer said digital data as permitted by said utilization permit key.~~